

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

HERBALIFE INTERNATIONAL  
OF AMERICA, INC., a Nevada  
corporation, and HERBALIFE  
INTERNATIONAL, INC. a Nevada  
corporation,

Plaintiffs,

v.

ALYSON McGARITY, an individual  
doing business as “mikenalyson27”  
on the website www.ebay.com, and  
DOES 1-10,

Defendants.

Case No: 2:18-cv-05455-AB-RAO

**STIPULATED FINAL JUDGMENT  
AND PERMANENT INJUNCTION**

Plaintiffs Herbalife International of America, Inc. and Herbalife  
International, Inc. (collectively, “Herbalife”) and Defendant Alyson McGarity  
(“McGarity”) (collectively, the “Parties”) have stipulated and agreed to entry of  
this Final Judgment and Permanent Injunction pursuant to the Conditional  
Settlement and Release Agreement (“Settlement Agreement”) entered into by the

Parties. The Parties have approved the substance and form of this Stipulated Final Judgment and Permanent Injunction and, based on the pleadings, the Parties' Settlement Agreement, and the factual, legal and/or other findings below, and for other good cause,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:**

1. This Court has jurisdiction over the subject matter of this action and personal jurisdiction over McGarity.

2. Venue is proper in this Court.

3. The injunctive relief provisions of this Judgment shall apply to McGarity, as well as her agents, owners, servants, employees, and those persons or entities in active concert or participation with her.

4. Herbalife has valid and subsisting trademarks for HERBALIFE® (U.S. Trademark Registration Nos. 4,402,483, 3,324,677, 2,512,368, 1,969,346, 1,811,780, 1,254,211), HERBALIFE24® (U.S. Trademark Registration No. 4,647,525), HERBALIFELINE® (U.S. Trademark Registration No. 1,406,425), CELL ACTIVATOR® (U.S. Trademark Registration No. 3,116,689), TRI-SHIELD® (U.S. Trademark Registration No. 3,137,237), XTRA-CAL® (U.S. Trademark Registration No. 3,739,538), PROLESSA® (U.S. Trademark Registration No. 4,301,688), THERMOBOND® (U.S. Trademark Registration No. 1,934,165), and TOTAL CONTROL® (U.S. Trademark Registration No. 2,832,678) (collectively, the "Herbalife Registered Trademarks").

5. McGarity, including anyone acting on her behalf or at her direction, is hereby permanently restrained and enjoined from:

- (a) any use of the Herbalife Registered Trademarks with respect to the Herbalife brand and products;

- 1 (b) advertising, selling, or facilitating the advertisement or sale of, via the  
2 Internet or otherwise, any goods or products bearing any of the  
3 Herbalife Registered Trademarks;
- 4 (c) using the Herbalife Registered Trademarks in any manner, including  
5 advertising on the Internet;
- 6 (d) importing, exporting, manufacturing, producing, distributing,  
7 circulating, shipping, selling, offering to sell, advertising, promoting,  
8 or displaying any goods or products bearing any of the Herbalife  
9 Registered Trademarks; and
- 10 (e) purchasing or acquiring products bearing any of the Herbalife  
11 Registered Trademarks for the purpose of resale.
- 12 6. McGarity shall:
- 13 (a) Take all reasonable steps sufficient to monitor and ensure that all  
14 persons within McGarity's control or employment (whether  
15 independent contractors, employees, agents, partners, or otherwise)  
16 comply with this Order, including but not limited to by providing a  
17 copy of this Order to any person within their control or employment  
18 and requiring that such persons adhere to its terms;
- 19 (b) Take all reasonable steps sufficient to monitor and ensure that all  
20 persons authorized to act on McGarity's behalf comply with this  
21 Order; and
- 22 (c) Take all reasonable corrective action with respect to any individual  
23 whom McGarity determines is not in compliance with the terms of  
24 this Order, which may include training, disciplining, and/or  
25 terminating such individual, and notifying Herbalife in writing of the  
26 underlying conduct.
- 27  
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7. Pursuant to Rule 65(d)(2) of the Federal Rules of Civil Procedure, this Order is binding upon the following persons who receive actual notice of it: the parties, the parties' officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with the parties or the parties' officers, agents, servants, employees, and attorneys.

8. This Court shall retain jurisdiction of this matter in law and in equity for the purpose of enforcing and/or adjudicating claims in violation of this Final Judgment and Permanent Injunction. Any such matters shall be raised by noticed motion.

9. Each party shall bear its own costs, expenses and attorneys' fees.

**IT IS SO ORDERED.**

**SIGNED** and **ENTERED** this 27th day of July 2018.

Chad B.

UNITED STATES DISTRICT JUDGE